

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA**

DIANA MEY,
individually and on behalf of a class of all
persons and entities similarly situated,

Plaintiffs,

vs.

Civil Action No.: 5:17-cv-179

DIRECTV, LLC;
ADAM COX;
AC1 COMMUNICATIONS;
IQ MARKETING 2, CORP., d/b/a PACIFICOM;
and MICHAEL ASGHARI,

Defendants

Plaintiff's Unopposed Motion for Leave to File Amended Class Action Complaint

Under Rule 15(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully moves for leave to file the attached proposed Amended Class Action Complaint. In support thereof, Plaintiff states:

1. Plaintiff filed her original Class Action Complaint on December 11, 2017. [ECF No 1]
2. DirecTV, LLC filed a Motion to Compel Arbitration and to Stay Litigation. [ECF No. 15]
3. The Court denied DirecTV's Motion [ECF No. 28], which is now currently being appealed to the Fourth Circuit.
4. A Scheduling Order has not been entered in this matter.

5. Rule 15(b) permits a party to amend its pleading with the opposing party's consent or the court's leave, and further provides that "[t]he court should freely give leave when justice so requires."

6. Plaintiff seeks the amendment for two reasons:

a. To supplement the original Complaint with factual allegations. Plaintiff has received numerous additional and unlawful telemarketing calls from or on behalf of Defendant DirecTV since the filing of the Complaint;

b. To join Craig Cunningham, Stewart Abramson and James Shelton as Plaintiffs in this action. Their joinder is proper under Federal Rule of Civil Procedure 20; they assert rights to relief with respect to and arising out of the same series of transactions and occurrences as the original Plaintiff, and the questions of law and fact that will arise in the action are common to all Plaintiffs.

7. Counsel for Plaintiff has consulted with counsel for DirecTV, LLC regarding the proposed Amended Complaint. Counsel for DirecTV does not oppose filing of the Amended Complaint as long as the case against DirecTV remains stayed pending the appeal.

8. Counsel for Plaintiff has consulted with counsel for AC1 Communications and Adam Cox and they do not oppose filing of the Amended Complaint.

9. Defendants IQ Marketing 2 Corp., d/b/a PACIFICOM and Michael Asghari have not answered the Complaint and as such have neither consented nor objected to the proposed amendment.

Plaintiff respectfully submits leave to file the attached Amended Class Action Complaint is appropriate under the liberal Rule 15(a) standard, and requests that her motion be granted.

Dated: October 26, 2018

Respectfully submitted by,

/s/ John W. Barrett
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Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I, John W. Barrett, hereby certify that on October 26, 2018, I served a true and correct copy of “*Plaintiff’s Unopposed Motion for Leave to File Amended Class Action Complaint*” was filed with the Clerk of Court using the CM/ECF System, which caused a true and accurate copy of such filing to be served upon the following counsel of record:

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